

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

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Case No.: 4:20-cv-1186-JAR

TIMOTHY MILES, on behalf of himself and others similarly situated, :

Plaintiff, :

vs. :

MEDICREDIT, INC., :

Defendant. :

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**PLAINTIFF'S UNOPPOSED MOTION FOR PRELIMINARY APPROVAL  
OF CLASS ACTION SETTLEMENT**

Timothy Miles (“Plaintiff”), with the consent of Medicredit, Inc. (“Defendant”), respectfully moves this Court under Rule 23(e) for preliminary approval of the parties’ class action settlement. In support of his motion, Plaintiff states:

1. After nearly two years of contested litigation, which included extensive motion practice, written discovery, and depositions—and with the assistance of a seasoned mediator—the parties reached an agreement on behalf of a nationwide settlement class under the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227.<sup>1</sup>

2. To that end, Defendant will create a non-reversionary, \$1.95 million settlement fund for the benefit of the following class: “All persons in the United States who (a) received a call from Medicredit, Inc. between December 16, 2017 and July 7, 2022 on their cellular telephone,

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<sup>1</sup> The settlement agreement and its exhibits—including proposed class notices, a proposed preliminary approval order, and a proposed final approval order and judgment—are appended to the Declaration of Michael L. Greenwald, which is attached as Exhibit A to Plaintiff’s memorandum of law in support of this motion.

(b) with an artificial or prerecorded voice, (c) for which Medicredit, Inc.'s records contain a 'WN' designation and an 'MC' and/or 'MD' notation." The settlement will provide meaningful cash benefits to participating class members.

3. Because the settlement class satisfies the requirements for class certification under Rule 23, this Court should certify this matter as a class action for settlement purposes.

4. In addition, because the proposed settlement is fair, reasonable, adequate, and in the best interest of settlement class members, this Court should preliminarily approve it and authorize the dissemination of notice to potential class members.

5. Accordingly, Plaintiff and his counsel respectfully request that this Court enter the accompanying agreed order granting preliminary approval of the parties' settlement.

6. Pursuant to E.D. Mo. L.R. 4.01, Plaintiff also submits and incorporates by reference his memorandum of law in support of his unopposed motion for preliminary approval of class action settlement.

Dated: August 19, 2022

/s/ Michael L. Greenwald

Michael L. Greenwald (*pro hac vice*)  
Aaron D. Radbil (*pro hac vice*)  
Jesse S. Johnson (*pro hac vice*)  
GREENWALD DAVIDSON RADBIL  
PLLC  
5550 Glades Road, Suite 500  
Boca Raton, FL 33431  
Phone: (561) 826-5477  
mgreenwald@gdrlawfirm.com  
aradbil@gdrlawfirm.com  
jjohnson@gdrlawfirm.com

Anthony LaCroix  
LaCROIX LAW FIRM, LLC  
1600 Genessee, Suite 956  
Kansas City, MO 64102  
Phone: (816) 399-4380  
Tony@lacroixlawkc.com

*Counsel for Plaintiff and the settlement class*